

Cambridge Waste Water Treatment Plant Relocation Project
Anglian Water Services Limited

Development Consent Order – Changes Tracker

Application Document Reference: 2.4
PINS Project Reference: WW010003
APFP Regulation No. 5(2)(q)

Revision No. 3
20 November 2023

**The Cambridge Waste Water Treatment Plant Relocation Order 202X
DCO Changes Tracker - Document 2.4**

This document is submitted together with the updated draft DCO (Document 2.1 Rev 05) on 20 November 2023 and identifies and explains the changes that have been made to the previous version of the draft DCO (Document 2.1 Rev 04, AS-139) submitted on 16 October 2023.

The changes that were made to the original application submission draft DCO (Document 2.1 Rev 02, APP-009) in the version submitted on 29 September 2023 (Rev 03) have been moved to **Appendix A** of this document.

The changes that were made to the version of the draft DCO (Document 2.1, Rev 03, AS-010) in the version submitted on 16 October 2023 (Rev 04) have been moved to **Appendix B** of this document of this document

**Schedule of changes made to the draft Development Consent Order (Document 2.1 Rev 04)
submitted by the Applicant on 16 October 2023**

Section/Article No. and title	Change	Reason	Date of Draft
Contents; Article 35(1)(a)(i); Schedule 12	The word "only" has been added to the title of Schedule 12, so that it now reads: "SCHEDULE 12 - LAND OF WHICH TEMPORARY POSSESSION <u>ONLY</u> MAY BE TAKEN". This change has also been made where Schedule 12 is referenced in article 35(1)(a)(i) and in the title to Schedule 12 itself	To clarify that the rights of compulsory acquisition in Schedule 12 relate only to temporary possession, as opposed to permanent.	20 November 2023
Application and examination details following the Contents	The second and fourth paragraphs have been amended to confirm that the application was examined by a Panel of 3 members.	This has been updated to reflect the appointment of the Examining Authority Panel.	20 November 2023
Article 2	The definition of "relevant planning authority" has been amended to mean the waste authority from time to time for the area within which the relevant part of the authorised development is to be constructed, used, or	The applicant has reviewed this definition as discussed at ISH 1 and considers this revision more clearly reflects the appropriate authorities. Please also refer to the applicant's response to ExQ1 10.12.	20 November 2023

Section/Article No. and title	Change	Reason	Date of Draft
	maintained, or power under the order is to be exercised		
Article 6	Paragraph (d) of article 6 has been amended to delete references to Works Nos. 32 and 36	The vertical deviation powers sought in respect of Works Nos. 32 and 36 are now specified in new sub-paragraphs (e) to (g) of article 6, as noted below.	20 November 2023
Article 6	<p>Sub-paragraph (d)(i) of article 6 has been amended to include the following underlined text:</p> <p><u>"(i) not exceeding 2 metres upwards but not less than 1 metre below finished ground level excluding air valves, chambers and manholes which will be at finished ground level; or"</u></p> <p>New sub-paragraphs (e) to (g) have been added to article 6 after sub-paragraph (d), as follows:</p> <p><u>"(e) in respect of Work No. 36 outside of the boundary of the existing Cambridge Waste Water Treatment Works deviate vertically from the levels of that part of the authorised development shown on the relevant sections to any extent—</u></p> <p><u>(i) not exceeding 2 metres upwards but not less than 1 metre below finished ground level excluding air valves, chambers and manholes which will be at finished ground level; or</u></p> <p><u>(ii) downwards as may be found to be necessary or convenient;</u></p> <p><u>(f) in respect of Work No. 36 inside of the boundary of the existing Cambridge Waste</u></p>	<p>Following discussions at ISH1 and a review of the original Limits of Deviation in article 6, together with the ES, the Applicant has refined the article to clarify where works may deviate upwards, they will not be above ground, save in respect of the Waterbeach South pipeline works (Work No. 36) within the existing Waste Water Treatment Plant, which will be above ground.</p> <p>All other elements of Work Nos. 31, 33, 35 and 36 will be at least 1 metre below finished ground level. The Applicant has also reduced the extent of deviation sought in respect of the Outfall works (Work No. 32), from 2 metres of upward deviation to 0.5 metres.</p>	20 November 2023

Section/Article No. and title	Change	Reason	Date of Draft
	<p><i>Water Treatment Works deviate vertically from the levels of that part of the authorised development shown on the relevant sections to any extent—</i></p> <p><i>(i) not exceeding 2 metres upwards; or</i></p> <p><i>(ii) downwards as may be found to be necessary or convenient; and</i></p> <p><i>(g) in respect of Work No. 32 deviate vertically from the levels shown on the relevant sections to any extent—</i></p> <p><i>(i) not exceeding 0.5 metres upwards; or</i></p> <p><i>(ii) downwards as may be found to be necessary or convenient.”</i></p>		
Article 10(2)	Paragraph (2) of article 10 has been amended to clarify that the authority given by paragraph (1) is subject to the provisions of Parts 5 and 6 of Schedule 15 (protective provisions for National Highways and local highways authorities, respectively)	To clarify that the authority given to the undertaker by article 10(1) relating to streets for the purposes of carrying out the authorised development are subject to the specified protective provisions.	20 November 2023
Article 13	A new paragraph (5) has been added to article 13 to specify that the undertaker must provide at least 14 days’ written notice to the relevant highway authority of any public right of way closure.	As requested by Cambridgeshire County Council and agreed by the undertaker.	20 November 2023
Article 14	A new paragraph (4) has been added to article 14 to clarify that works to create a permanent access which:	As requested by Cambridgeshire County Council and agreed by the undertaker.	20 November 2023

Section/Article No. and title	Change	Reason	Date of Draft
	<p>(a) join a highway maintainable at the public expense; and</p> <p>(b) are specified in column (3) of Schedule 7 (access to works) as for being required for the purposes of operation and maintenance of the authorised development,</p> <p>must be completed in accordance with the protective provisions for local highways authorities</p>		
Article 19	Paragraph (1) of article 19 has been amended to clarify that the powers of the undertaker to use any watercourse and any public sewer or drain for the drainage of water in connection with the construction, operation, use and maintenance of the authorised development (etc.) is subject to paragraphs (3) and (4) of article 19	This has been actioned following the applicant's consideration of ExQ1 10.7. Please also refer to the applicant's response to ExQ1 10.7.	20 November 2023
Article 23	<p>Paragraph (4)(b) of article 23 has been amended to replace the word "removed" with "required" as follows:</p> <p><i>"remove the important hedgerows as specified in Part 2 of Schedule 16 (removal of important hedgerows) that may be removed required for the purposes of carrying out the authorised development."</i></p>	To correct a typographical error.	20 November 2023
Article 35	Sub-paragraphs (a) and (b) of paragraph (9) of article 35 have been deleted	The undertaker no longer requires the rights provided by articles 28, 29 or 30 in relation to the land specified in columns (1) and (2) of Schedule 12 (land of which temporary possession only may be taken) as no such permanent acquisition powers are sought.	20 November 2023

Section/Article No. and title	Change	Reason	Date of Draft
Article 44	<p>Paragraph (1) of article 44 has been amended to incorporate sub-paragraph 1(a) as a single paragraph.</p> <p>Sub-paragraph (1)(b) has been amended to paragraph (2) and now reads as follows (additional text underlined):</p> <p><i>“(2) <u>Notwithstanding the licences which may have been granted pursuant to section 5 or 16 of the River Cam Conservancy Act 1922, the undertaker may for the purposes of the construction, operation, use and maintenance of the authorised development permanently extinguish any rights of navigation or other rights on any part of the river Cam identified with the label 19a on sheet 2 of the land plans (Document 4.4.2) permanently acquired by the undertaker in connection with Work No. 32</u>”</i></p>	For clarification that the powers in Article 44 override any licences issued pursuant to section 5 or 16 of the River Cam Conservancy Act 1922, insofar as they relate to any part of the river Cam identified with the label 19a on sheet 2 of the land plans which is permanently acquired by the undertaker in connection with Work No. 32.	20 November 2023
Article 44	<p>Paragraph (3) of article 44 has been amended as follows (additional text shown underlined):</p> <p><i>“(3) <u>The undertaker must not exercise the powers in paragraph (1) or (2) unless it has –</u></i></p> <p><i>(a) <u>given not less than 28 days’ notice in writing of its intention to do so to the relevant navigation authority; and</u></i></p> <p><i>(b) <u>advertised its intention by way of–</u></i></p> <p><i>(i) <u>a notice erected in reasonable proximity to the river Cam on land on which the relevant part of the authorised development is located;</u></i> <i><u>and</u></i></p>	Wording inserted to accommodate a request from the Cam Conservancy.	20 November 2023

Section/Article No. and title	Change	Reason	Date of Draft
	<u>(ii) a notice in a locally circulated newspaper for two successive weeks prior to the exercise of the powers."</u>		
Schedule 1, Work No.38 – new bridleway	The works description has been amended as follows: "Works to improve the surface of an existing track to provide <u>relating to the provision of a new bridleway including street apparatus, gates and signage"</u>	To clarify that the works relate to a new bridleway, not improvements to an existing track.	20 November 2023
Requirement 1, Part 1, Schedule 2	The definition of "enabling works" now also refers to paragraph 3.4.1 of chapter 2 of the environmental statement and "vegetation clearance" and "any earthworks necessary in connection with (a) to (k) above" have been added to the list of works comprising "enabling works"	To reflect the provisions in the environmental statement relating to enabling works. Please also refer to the Applicant's response to ExQ1 10.15.	20 November 2023
Requirement 1, Part 1, Schedule 2	The definition of "outline operational water quality monitoring plan" has been deleted and a definition of "outline water quality monitoring plan" has been added, meaning "the document of that description certified by the Secretary of State as the outline water quality monitoring plan for the purposes of this Order under article 51 (certification of plans etc.) or any revision to it as may be agreed from time to time within the relevant planning authority"	To correct the title of the plan, which should not have referred to "operational".	20 November 2023
Requirement 9, Part 1, Schedule 2	The underlined text below has been added to sub-paragraph (2)(a)(iv):	To clarify that the submission in sub-paragraph (iv) (in both cases) needs only to comply with the wildlife hazard management plan insofar as it relates to construction.	

Section/Article No. and title	Change	Reason	Date of Draft
	<p><i>"(iv) a detailed wildlife hazard management plan which must accord with the measures set out in the wildlife hazard management plan <u>relating to construction</u>"</i></p> <p>The underlined text below has been added to sub-paragraph (2)(b)(vi):</p> <p><i>"(iv) a detailed wildlife hazard management plan which must accord with the measures set out in the wildlife hazard management plan <u>relating to construction</u>"</i></p>		
Requirement 9, Part 1, Schedule 2	<p>The underlined text below has been added to sub-paragraph (2)(a)(vi):</p> <p><i>"a <u>detailed construction water quality management plan which must accord with the measures set out in the outline water quality management plan relating to construction</u>"</i></p> <p>The underlined text below has been added to sub-paragraph (2)(b)(vi):</p> <p><i>"a <u>detailed construction water quality management plan which must accord with the measures set out in the outline water quality management plan relating to construction</u>"</i></p>	To clarify that detailed plans are to be submitted, which must accord with the certified outline water quality management plan relating to construction.	20 November 2023
Requirement 9, Part 1, Schedule 2	<p>A new sub-paragraph (4) has been added as follows:</p> <p><i>"The construction environmental management plan and associated management plans for each phase are to be kept under review and amended if necessary as construction proceeds and any amendments to the</i></p>	To clarify that the specified management plans will be kept under review by the undertaker and that any measures therein requiring amendment as a result of any review must first be approved by the relevant local planning authority in accordance with requirement 6 (approved details and amendments to them).	20 November 2023

Section/Article No. and title	Change	Reason	Date of Draft
	<i>measures detailed in the approved construction environmental management plan or associated management plans must be undertaken in accordance with requirement 6"</i>		
Requirement 10, Part 1, Schedule 2	The text below has been added to the end of sub-paragraphs (1) and (5): <i>"following consultation by the relevant planning authority with Natural England and the Environment Agency"</i>	Agreed by the applicant following consideration of the planning authority's relevant representations.	20 November 2023
Requirement 10, Part 1, Schedule 2	Sub-paragraph (6)(e) has been replaced with the text underlined below: <i><u>"details of measures for the achievement of twenty percent biodiversity net gain comprising river units within or outside of the Order limits proposals for the provision and maintenance of any biodiversity net gain comprising river units"</u></i>	To clarify that 20% biodiversity net gain comprising river units is to be secured as part of the outfall works, whether within or outside of the Order limits.	20 November 2023
Requirement 11, Part 1, Schedule 2	The following text has been added at the end of sub-paragraph (1): <i>"following consultation by the relevant planning authority with Natural England and the Environment Agency"</i>	Agreed by the applicant following consideration of the relevant representations.	20 November 2023
Requirement 11, Part 1, Schedule 2	Sub-paragraph (2) has been amended as follows: <i>"The detailed LERMP submitted for approval must accord with the measures set out in the LERMP and must detail how the measures contained within it contribute towards the achievement of twenty percent biodiversity</i>	Typographical correction.	20 November 2023

Section/Article No. and title	Change	Reason	Date of Draft
	<i>net gain for the whole of the authorised development excluding any biodiversity net gain to be provided as river units <u>and delivered through</u> under the operational outfall management and monitoring plan"</i>		
Requirement 12, Part 1, Schedule 2	A new sub-paragraph (4) has been added as follows: <i>"The detailed operational workers travel plan may be revised from time to time in accordance with requirement 6."</i>	To allow for the plan to be revised with the relevant planning authority in accordance with requirement 6.	20 November 2023
Requirement 18, Part 1, Schedule 2	A new sub-paragraph (4) has been added as follows: <i>"The operational asset management plan may be revised from time to time in accordance with requirement 6."</i>	To allow for the plan to be revised with the relevant planning authority in accordance with requirement 6.	20 November 2023
Requirement 20, Part 1, Schedule 2	Sub-paragraph (3) has been amended to include the underlined text below: <i>"(3) The authorised development must be operated in accordance with the <u>approved detailed odour management plan.</u>"</i>	For clarification.	
Requirement 21, Part 1, Schedule 2	Sub-paragraphs (1) and (4) have been amended as follows: <i>"(3) The gas recovery plant forming Work No. 9 is not to be operated or come into use until a detailed carbon management plan has been submitted to and agreed <u>approved</u> in writing by the relevant planning authority."</i>	For clarification.	

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	“(4) <i>The authorised development must be operated in accordance with the <u>approved detailed carbon management plan.</u></i> ”		
Requirement 22, Part 1, Schedule 2	<p>Sub-paragraph (2) has been amended as follows:</p> <p>“(2) <i>The detailed operational water quality monitoring plan submitted for approval must accord with the measures set out in the outline operational water quality monitoring plan <u>relating to operation</u> and must incorporate measures to monitor water quality.</i>”</p>	For clarification.	
Requirement 24, Part 1, Schedule 2	<p>A new requirement 24 has been added, as follows:</p> <p>“<i>Operational Wildlife Hazard Management Plan</i></p> <p>24.—(1) <i>Prior to the operation of the authorised development a detailed operational wildlife hazard management plan must be submitted to and approved by the relevant planning authority.</i></p> <p>(2) <i>The detailed operational wildlife hazard management plan submitted for approval must accord with the measures set out in the wildlife hazard management plan relating to the operation of the authorised development.</i></p> <p>(3) <i>The detailed operational wildlife hazard management plan may be revised from time to time in accordance with requirement 6.</i></p> <p>(4) <i>The operation of the authorised development must be carried out in</i></p>	To correct an omission that the Applicant has agreed to submit to and secure the approval by the relevant planning authority of a detailed operational wildlife hazard management plan prior to the operation of the authorised development.	20 November 2023

Section/Article No. and title	Change	Reason	Date of Draft
	<i>accordance with the approved detailed operational wildlife hazard management plan"</i>		
Schedule 6, Part 1	The table has been amended to include FP85/8 as being a public right of way to be temporarily closed for which a substitute is to be provided	To insert a previous omission.	
Schedule 9, Part 2	The word "northbound" has been added after "Horningsea Road" in column 2 of the second row	For clarification.	
Schedule 9, Part 2	The text in column 2 of the third row has been amended as follows (additional text underlined): <i>"No left turn <u>for HGVs</u> into the proposed waste water treatment plant access from the B1047 and Horningsea Road <u>southbound</u> at the point shown with a pink circle on sheet 3 of the access and traffic regulation order plans (Document 4.7.3)"</i>	For clarification.	
Schedule 9, Part 2	A fourth row has been added confirming that the following is to be a prohibited movement from the date upon which work No.2 becomes the operational access to the proposed waste water treatment plant: <i>"no right turn into the proposed waste water treatment plant access from the B1047 and Horningsea Road southbound at the point shown with a pink circle on sheet 3 of the access and traffic regulation order plans (Document 4.7.3)"</i>	To insert an omission. This is included on the access and traffic regulation order plans (Document reference 4.7) in the legend.	
Schedule 10	Land parcels 019k, 019l and 019n have been added to the first column of the table, with the	This change has been made to reflect the applicant's review of the land powers required, as discussed in ISH1. Please also	20 November 2023

Section/Article No. and title	Change	Reason	Date of Draft
	<p>following rights and restrictive covenant in relation to the river Cam being added to the second column:</p> <p><i>“All rights necessary for the purposes of or incidental to the construction, installation, operation, protection, repair and maintenance of that part of the authorised development comprised within Work No. 32 (Outfall) including to:</i></p> <p><i>(a) install, connect, retain, use, maintain, inspect, alter, adjust, remove, refurbish, repair, reconstruct, replace, improve, test, commission, cleanse, inspect, maintain, protect, manage, remove or render unusable underground outfall pipelines, outfall structure, temporary cofferdam, temporary and permanent piling, river bed and embankment reinforcement works, dredging, scour protection measures, and other associated infrastructure including but not limited to Accessories as defined in section 219 of the Water Industry Act 1991, access chambers, pipework fittings and fixtures, air valves, manholes, marker posts, monitoring apparatus, and any other works as necessary;</i></p> <p><i>(b) enter, and be on the land (which for the avoidance of doubt includes the riverbed and the surface water), and pass and re-pass and remain on the land with or without plant, vehicles</i></p>	<p>refer to Appendix A of the Applicant’s Post Hearing Submissions (document reference 8.6).</p>	

Section/Article No. and title	Change	Reason	Date of Draft
	<p><i>(including boats), machinery, apparatus and equipment for all purposes in connection with the authorised development;</i></p> <p><i>(c) break up the riverbed, make all necessary excavations, install and retain piling, and to carry out reinstatement works;</i></p> <p><i>(d) install, execute, implement, retain, repair, improve, renew, relocate, maintain and carry out mitigation, maintenance, remediation, environmental or ecological mitigation works, including temporary works;</i></p> <p><i>(e) install, execute, implement, retain, repair, improve, renew, remove, relocate, fell, trim, lop or plant trees, bushes, woodlands, shrubs, hedgerows, seeding and other ecological measures together with the right to maintain, inspect and replant such tree, shrubs and landscaping;</i></p> <p><i>(f) carry out such works or ancillary works required by a planning permission and/or consent now or to be granted over the land, or in accordance with any necessary licences, including but not limited to water abstraction, water discharge, protected species and/or wildlife; and</i></p> <p><i>(g) clear the land from obstructions which may interfere with the waterflow and/or damage or displace the scour protection measures; and</i></p>		

Section/Article No. and title	Change	Reason	Date of Draft
	<p><i>(h) carry out any Further Works as defined in Schedule 1 to the Order</i></p> <p><i>River Cam restrictive covenant</i></p> <p><i>All restrictions necessary over the land to prevent activities which are likely to cause damage or injury to that part of the authorised development comprised within Work No. 32 (referred to as the "Outfall"), or to obstruct, interrupt or interfere with the free flow and passage of final effluent, stormwater and other material through the Final Effluent and Storm Pipeline and its discharge from it into the river Cam; or render access to it more difficult or expensive, including—</i></p> <ul style="list-style-type: none"> <i>(a) the building, construction, erection or installation of any permanent or temporary building or structure or any work of any kind;</i> <i>(b) the laying in the land of any pipes, wires, cables or conduits;</i> <i>(c) the undertaking of piling or percussive works, or works of excavation or mining,</i> <p><i>without the prior consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed activities, building, erection, construction or works would not cause damage to the relevant part of the authorised development)."</i></p>		

Section/Article No. and title	Change	Reason	Date of Draft
Schedule 14, Part 18	The main parameters of the gateway building have been amended <u>from:</u> 50m x 16m <u>to:</u> 58.2m x 17.1m	To reflect the maximum parameters specified for the gateway building as shown on the works plans.	20 November 2023
Schedule 15, Part 3	<p>Definitions of “acceptable insurance” and “commence” have been added to paragraph 2.</p> <p>A new paragraph 6 has been added relating to the acquisition of land, in particular that Cadent interest must be appropriated or acquired by agreement, notwithstanding the provisions of the Order.</p> <p>A new sub-paragraph (6) has been added to paragraph 10 which confirms that the undertaker will not be liable to Cadent for any indirect or consequential loss howsoever arising, nor for any direct or indirect loss that may have been caused by a specified work or the carrying out of the authorised works more than six years after any specified work or the relevant part of the authorised works has been completed</p> <p>New sub-paragraphs (5) and (6) have been added to paragraph 11: (5) prohibits the undertaker from commencing construction on any land owned by Cadent until Cadent is reasonably satisfied that the undertaker has procured acceptable insurance for the construction period; (6) specifies that Part 3 does not operate to prevent Cadent from seeking injunctive relief (or any other equitable remedy) in any court due to the undertaker’s failure to comply with new sub-paragraph (5)</p>	To reflect the updated negotiations with Cadent, which are ongoing.	

Section/Article No. and title	Change	Reason	Date of Draft
	Various other minor amendments have also been made.		
Schedule 15, Part 6	Part 6 has been replaced with provisions that reflect Cambridgeshire County Council's precedent 'section 278' agreement.	As a result of negotiations with Cambridgeshire County Council, and as discussed in ISH1.	20 November 2023
Schedule 15, Part 7	<p>The definitions in paragraph 2 have been amended as follows (additional text underlined):</p> <p><i>"river work" means the construction or maintenance of those parts <u>any works forming part of the authorised development which are in or over the river Cam or which require interference with the movement of river traffic on the river Cam</u>"</i></p> <p><i>"temporary river work" means those river works which <u>are temporary in nature and which do not form part of the permanent works required for in or over the operation and maintenance of the authorised development. river Cam.</u>"</i></p> <p>Sub-paragraph 3(4)(b) has been amended as follows (additional text underlined):</p> <p><i>"(b) <u>as soon as is reasonably practicable following the removal of any temporary river work pursuant to paragraph 3(4)(a), make good the site of any temporary river work so as not to cause any interference with the movement of river traffic</u>"</i></p> <p>A new sub-paragraph 4(5) has been added as follows:</p>	To reflect the updated negotiations with the Cam Conservators, which are ongoing.	

Section/Article No. and title	Change	Reason	Date of Draft
	<p><i>"(5) The undertaker will provide to the relevant navigation authority at least 42 days' written notice of the intention to commence Work No. 31 and Work No. 32."</i></p>		
<p>Schedule 15, Part 10</p>	<p>Paragraph 2 has been amended as shown below (additions in underlined text):</p> <p><i>"<u>construction</u>" includes <u>execution, placing, altering, replacing, relaying, removing and excavation</u> and "construct" and "constructed" are to be construed accordingly;</i></p> <p><i>"ordinary watercourse" has the meaning given by <u>section 72 (interpretation) of the Land Drainage Act 1991</u>;</i></p> <p><i>"plans" includes sections, drawings, specifications, calculations—and, <u>method statements and details of maintenance regimes</u>;</i></p> <p><i>"specified work" means so much of any work or operation authorised by this Order <u>and the construction of any works authorised by this Part of this Schedule</u> as is in, on, under, over or within 8 metres of an ordinary watercourse or is otherwise likely to affect any ordinary watercourse."</i></p> <p>The reference to "28 days" in sub-paragraph 3(1) has been replaced with "2 months"</p> <p>The reference to 'paragraph (6)' in sub-paragraph 3(2) has been amended to 'paragraph 7'.</p>	<p>To reflect the updated negotiations with the lead local flood authority, which are ongoing.</p>	<p>20 November 2023</p>

Section/Article No. and title	Change	Reason	Date of Draft
	<p>Sub-paragraph 3(3)(b) has been amended as set out below:</p> <p><i>"is deemed to have been approved if it is neither given nor refused within 28 days 2 months of the submission of the plans or receipt of further particulars if such particulars have been requested by the lead local flood authority for approval"</i></p> <p>New sub-paragraphs (4) and (5) have been inserted after sub-paragraph (3), as follows:</p> <p><i>"(4) Each time the lead local flood authority requests further information from the undertaker, the time period in sub-paragraph (3)(b) will begin to run again from receipt of the information by the lead local flood authority, save that the time period will be reduced to 28 days.</i></p> <p><i>(5) The undertaker must include in any submission made to the lead local flood authority under paragraph 3 a statement that the provisions of sub-paragraph (3)(b) and sub-paragraph (4) apply and if the submission fails to do it the provisions of sub-paragraph (3)(b) and sub-paragraph (4) will not apply"</i></p> <p>The phrase "must be" has been added to sub-paragraph 3(3)(c) as follows:</p> <p><i>"in the case of a refusal, <u>must be</u> accompanied by a statement of the grounds of refusal"</i></p> <p>Paragraph 4(2) has been amended as shown below:</p>		

Section/Article No. and title	Change	Reason	Date of Draft
	<p><i>"(2) Subject to sub-paragraph (23), any specified work, and all protective works required by the lead local flood authority under <u>this</u> paragraph (4), must be constructed without unreasonable delay in accordance with the plans approved or deemed to have been approved or settled under this Part of this Schedule"</i></p> <p>Paragraph 4(2) has been amended as shown below:</p> <p><i>"The undertaker must give <u>to</u> the lead local flood authority not less than 14 days' notice in writing of its intention to commence construction of any specified work and notice in writing of its completion not later than 14 ²⁴ hours after the date on which it is completed"</i></p> <p>New paragraphs 5 and 6 have been added relating to the undertaker making reasonable compensation for costs, charges and expenses which may be incurred by the lead local flood authority in relation to the undertaker securing the authority's approval, and as a result of the undertaker carrying out any specified works.</p> <p>Various other minor amendments have also been made.</p>		
Schedule 17	Paragraph (3) (Building Act 1984) has been deleted	The undertaker no longer requires to disapply any part of the Building Act 1984.	20 November 2023

Section/Article No. and title	Change	Reason	Date of Draft
Schedule 17	<p>Previous paragraph (5) (Planning Act 2008 – Application of the 2010 Regulations (Community Infrastructure Levy)) has been replaced with the following text:</p> <p><i>"This Order shall not constitute a planning permission for the purpose of Part 11 of the 2008 Act (community infrastructure levy) notwithstanding the definition of planning permission contained within article 5 of the 2010 Regulations (meaning of planning permission)."</i></p>	As explained at Issue Specific Hearing 1, the undertaker considers the amendment to provide for a simpler approach to the disapplication of the community infrastructure levy.	20 November 2023
Schedule 18	Several documents have had the revision number and date updated.	The changes to the revision numbers and dates are to reflect the updates to the documents required as a result of the change request dated 20 November 2023.	20 November 2023

APPENDIX A

The changes to the latest version of the draft DCO are largely to address those items raised by the Examining Authority (“ExA”) in its Procedural Decision dated 10 August 2023 (PD-004), including those at paragraph 12, but also to reflect changes to the Requirements (Part 1, Schedule 2) as a result of the submitted draft outline management plans (as noted in paragraph 19 of the Procedural Decision and pursuant to the Applicant’s initial response to the Procedural Decision, submitted on 8 September 2023) and to Schedule 18 to reflect the updated versions of plans and documents to be certified. The Applicant has also taken the opportunity to update the protective provisions in Part 9 of Schedule 15 and is pleased to confirm that those protective provisions are now agreed with Cambridge Water.

The Applicant has also undertaken a full review of the draft DCO and made some further drafting amendments for clarity.

With regard specifically to paragraph 12(o), (p) and (r) of the ExA’s Procedural Decision, the Applicant would highlight that no changes have been made to the draft DCO at this stage and would comment as follows:

Extract from ExA’s Procedural Decision dated 10 August 2023 (PD-004)	Applicant’s response
12(o) Schedule 6 Part 1 and Part 2 refer to the “rights of way plans” followed by various document reference numbers. Please check this is correct given that the rights of way plans [APP-020] has a document reference of 4.6.	The Applicant’s approach to the drafting of the DCO is to refer to a particular sheet within a series of documents where relevant, for example, using 4.6.1 to refer to sheet 1 of that plan series which is the relevant sheet identifying the extent of a public right of way to be temporarily closed, rather than 4.6 which the whole series of plans.
12(p) Various schedules refer to the “access and traffic regulation order plans” followed by various document reference numbers. Please check this is correct given that the access and traffic regulation order plans [APP-021] has a document reference of 4.7.	The Applicant’s approach to the drafting of the DCO is to refer to a particular sheet within a series of documents where relevant, for example, using 4.7.1 to refer to sheet 1 which is the relevant sheet identifying the length of street to be closed, rather than 4.7 which identifies the whole series of plans.
12(r) Schedule 15 - Planning Inspectorate Advice Note 15 states that “If Protective Provisions for more than one protected party are included in a single Schedule, SI drafting requires the numbering of the paragraphs to follow sequentially throughout the Schedule and not re-start at ‘1’ with each part (as with all textual Schedules in several parts)”. Please adopt this approach in the draft DCO.	The Applicant notes the Advice Note, but having reviewed various other DCOs the Applicant notes that there is no consistency of approach, for example, The Hornsea Four Offshore Wind Farm Order made as recently as July 2023 does not use sequential numbering in its protective provisions schedule. The Applicant is content to adopt the approach in Advice Note 15 if required but proposes that sequential numbering is added in the final version of the DCO to be submitted. This is because the protective provisions are each negotiated in isolation and given the need to ensure

Extract from ExA's Procedural Decision dated 10 August 2023 (PD-004)	Applicant's response
	cross-referencing is accurate, this is best done at a time when there are no further changes required to the protective provisions.

Schedule of changes made to the draft Development Consent Order (Document 2.1 Rev 02) submitted by the Applicant

Section/Article No. and title	Change	Reason	Date of Draft
Article 2	A definition of 'HGV' has been added.	The acronym HGV was used in the DCO but was not defined. As requested by the ExA, the Applicant has added a definition for clarity and to confirm the type of vehicle which is to be considered a HGV for the purposes of the drafting.	29 September 2023
Article 2	A definition of 'LGV' has been added.	The DCO previously referred to 'light goods vehicles' which was not defined. As requested by the ExA, the Applicant has added the definition for clarity. This now confirms the type of vehicle which is to be considered an LGV for the purpose of the drafting.	29 September 2023
Article 2	A definition of CWRP Relocation Limited has been added as follows: <i>"CWRP Relocation Limited" means CWRP Relocation Limited (company registration number 12219644).</i>	Amendment made at the request of the ExA. The Applicant agrees that the definition would add clarity as whilst a company name can change, the company registration number is fixed. The change provides certainty as to the identity of the company.	29 September 2023
Article 18	Article 18(1)(f) has been amended to add commas as follows: the alteration of any street further to article 11(1) or (2) (power to alter the layout, etc, of streets); or	Amendment made to add commas as Article 11 uses these commas. As this is a reference to Article 11 in this Article 18, the reference must fully match the title of Article 11 as it appears in the DCO.	29 September 2023

Section/Article No. and title	Change	Reason	Date of Draft
Article 21	<p>Amendment made to remove 'and' in Article 21(1)(a) as follows:</p> <p>survey, monitor and or investigate the land including aerial surveys carried out by drone;</p>	Amendment made to correct an error. The correct word to use is 'or'.	29 September 2023
Article 22	Article 22(1)(b) has been amended to change the reference to paragraph (4) to paragraph (3)	Amendment made to correct the error in cross-referencing. The correct cross-reference is to paragraph (3).	
Article 23	<p>Amendment made to Article 23(1) replace the use of 'or' with 'and' as follows:</p> <p>Save in respect of trees or shrubs which come within article 24 (trees subject to tree preservation orders), or article 25 (trees in conservation areas) the undertaker may fell or lop any tree or shrub near any part of the authorised development, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub from obstructing or interfering with the construction, operation, use or and maintenance of the authorised development or any apparatus used in connection with the authorised development.</p>	Amendment made for clarity as the powers need to apply to all of the elements of construction, operation, use and maintenance.	29 September 2023
Article 33	<p>Amendment made to Article 33(1) add a comma after the words 'for the benefit of a third party':</p> <p>"(1) The acquiring authority may execute in respect of any of the land which they are authorised to acquire by the compulsory purchase order a declaration in the prescribed form vesting the land in themselves, or in the case of land or a right that they are authorised</p>	<p>The first amendment was made for clarity as upon review, it was considered that drafting was clearer with the addition of a comma.</p> <p>The second amendment was made to correct an error in cross-referencing.</p>	29 September 2023

Section/Article No. and title	Change	Reason	Date of Draft
	<p>to acquire for the benefit of a third party, in the third party in question, from the end of such period as may be specified in the declaration (not being less than 3 months from the date on which the service of notices required by section 6 is completed)."</p> <p>Article 33(15) has been amended as follows: References to the 1965 Act in the 1981 Act must be construed as references to the 1965 Act as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act and as modified by article 37 34 (modification of Part 1 of the 1965 Act) to the compulsory acquisition of land under this Order.</p>		
Article 34	<p>Article 34(4) has been amended to add the wording underlined:</p> <p><i>In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for "section 4 of this Act" substitute "article 27 (time limits for exercise of authority to acquire land compulsorily) of the Cambridge Waste Water Treatment Plant Relocation Order [202X]".</i></p>	Amendment made for certainty as to the Article which is being referenced.	29 September 2023
Article 35	<p>Article 34(3) has been amended as follows:</p> <p>construct any works, or use the land, as specified in relation to that land in column (4-3) of Schedule 12, or <u>carry out</u> any mitigation works;</p>	<p>The first amendment was made to correct a cross-referencing error.</p> <p>The second amendment was made to improve the drafting and make it clear that (e) relates to the carrying out of mitigation works.</p>	29 September 2023

Section/Article No. and title	Change	Reason	Date of Draft
	<p>Article 35(5)(h) was amended to add the underlined wording:</p> <p><i>restore the land on which any works have been carried out under paragraph (1)(h) insofar as the works relate to mitigation works identified in the environmental statement or required pursuant to the requirements in <u>Part 1</u> of Schedule 2. (requirements).</i></p>	The third amendment was made for clarity as the sub-paragraph concerns Part 1 of the requirements in Schedule 2.	
Article 44	<p>Article 44(1)(b) was amended to change 'no' to 'No.'</p> <p>Article 44(4) has been amended to add a space between '1985(d)' and 'are'.</p> <p>Article 44(5) has been amended to change reference to '1966' to '1996'</p>	<p>The first amendment was made to correct an error as this is a reference to a Work No. and therefore should be capitalised.</p> <p>The second amendment was made to correct a typographical error as noted by the ExA.</p> <p>The third amendment was made to correct the date. The date of the relevant bylaws are 1996 and not 1966 as previously stated.</p>	29 September 2023
Schedules	Row and column lines have been included in the tables in the Schedules.	Amendment made to improve clarity and for ease of reading at the	29 September 2023
Schedule (Authorised Development) Part 1	<p>1 Schedule 1, Work No. 18(o) has a comma between 'Work No' and '27' instead of a dot.</p> <p>- The comma has been replaced with a dot.</p>	Amendment to correct the incorrect use of the comma in the DCO at the request of the ExA.	29 September 2023
Schedule (Authorised Development) Part 1	<p>1 Work No. 29 has been amended to change 'West' to 'west'</p> <p>-</p>	Amendment made to ensure consistency with other directional references which are not capitalised.	29 September 2023
Schedule (Authorised	<p>1 A dot has been added in Further Works as follows:</p>	The first amendment was made as references to 'Work Nos.' should contain a dot, as is elsewhere in the DCO.	29 September 2023

Section/Article No. and title	Change	Reason	Date of Draft
Development) - Part 1	<p>In connection with Work Nos. 1 – 40</p> <p>Further Works (f) has been amended as follows:</p> <p>(f) HV Switchgears high voltage switchgears</p>	<p>The second amendment was made as HV Switchgears is not a defined term nor a name and further, HV was not defined.</p>	
Schedule 1 (Authorised Development) - Part 1 and Schedule 10 (Land in which only new rights etc may be required)	<p>References to 'railway line' have been changed to 'King's Lynn railway line' in Work No. 33, Work No. 36 and Schedule 10.</p> <p>There are no other references to 'railway line' within the DCO.</p>	<p>Amendment made for clarity as the DCO used 'railway line' and 'King's Lynn railway line' but all references were to the same King's Lynn railway line. The amendment removes any ambiguity as to which railway line is referenced.</p>	29 September 2023
Schedule 2 (Requirements) - Part 1	<p>Requirement 1 has been amended to change 'WWTW' to 'waste water treatment works'.</p>	<p>Amendment made for clarity as 'WWTW' was not defined.</p>	29 September 2023
Schedule 2 (Requirements) - Part 1 Requirement 1	<p>The following defined terms have been added to Requirement 1:</p> <ul style="list-style-type: none"> - Framework archaeological investigation mitigation strategy; - Outline carbon management plan; - Outline operational water quality monitoring plan; - Outline outfall management and monitoring plan; 	<p>These definitions have been added as these draft outline documents have been prepared (save for the outline operational water quality monitoring plan which is to follow), as requested by the ExA in its Procedural Decision (PD-004), and are to be certified documents in accordance with Article 51 and listed in Schedule 18.</p>	29 September 2023

Section/Article No. and title	Change	Reason	Date of Draft
Schedule (Requirements) Part 1 Requirement 13	2 - Requirement 13 has been amended to require the submission and approval of a detailed archaeological investigation mitigation strategy which must accord with the framework archaeological investigation mitigation strategy.	Amendment made to include reference to the new, framework archaeological investigation mitigation strategy, to be certified pursuant to Article 51.	29 September 2023
Schedule (Requirements) Part 1 Requirement 19	2 - Amendment made to Requirement 19 to change reference from the 'Operational Logistics Travel Plan' to 'the Operational Logistics Traffic Plan' Requirement 19 has also been amended to require the submission and approval of a detailed operational logistics traffic plan which must accord with the outline operational logistics traffic plan.	The first amendment made to correct drafting error as the document referred to is entitled the Operational Logistics Travel Plan. The second amendment has been made to include reference to the new, outline operational logistics traffic plan, to be certified pursuant to Article 51.	29 September 2023
Schedule (Requirements) Part 1 Requirement 20	2 - Requirement 20(3) has been amended to remove the words 'approved in accordance with requirement 21(1).'	The reference to '21(1)' was incorrect but in any event, the wording has been removed as it was considered superfluous and for consistency with the drafting of the remainder of the Schedule. The wording of Requirement 20 already requires the undertaker to comply with the odour management plan, without this wording.	29 September 2023
Schedule (Requirements) Part 1 Requirement 21	2 - Requirement 21(3) is now 21(4) and has been amended to remove the words 'approved in accordance with requirement 22(1).'	The reference to '22(1)' was incorrect but in any event, the wording has been removed as it was considered superfluous and for consistency with the drafting of the remainder of the Schedule. The wording of Requirement 21 already requires the undertaker to comply with the carbon management plan, without this wording. The second amendment was made to include reference to the new, outline carbon management plan, to be certified pursuant to Article 51.	29 September 2023

Section/Article No. and title	Change	Reason	Date of Draft
Schedule 2 (Requirements) - Part 1 Requirement 23	A new Requirement 23 has been added which requires the submission and approval of a detailed operational water quality monitoring plan. This must accord with the outline operational water quality monitoring plan.	Amendment made to include reference to the new, outline operational water quality monitoring plan (to be submitted in due course), to be certified pursuant to Article 51.	29 September 2023
Schedule 2 (Requirements) - Part 1 Requirement 24	A new Requirement 24 has been added to require the submission and approval of a scheme detailing how the discovery centre (part of the gateway building) will operate.	Amendment made to ensure that the commitments around how the discovery centre is intended to operate are secured.	29 September 2023
Schedule 2 (Requirements) - Part 2, paragraph 4	The definition of 'business day' in Schedule 2 has been removed.	As noted by the ExA, the definition in Schedule 2 was slightly different to the definition in Article 2. Since the term is already defined in Article 2 it is not necessary to duplicate the definition, therefore the definition has been retained in Article 2 only.	29 September 2023
Schedule 3 (Streets subject to street works)	The fourth row which stated ' <i>South Cambridgeshire District - Footpath 162/1 along the towpath west of the river Cam</i> ' has been deleted. Schedule 3 has also been amended to change reference to " <i>Footpath 130/16 east of Grange Farm</i> " to " <i>Footpath 130/16 south of Riverside Farm</i> ".	Upon review of the Schedule, the Applicant note that the street works powers in Article 10 do not need to apply to this street. The Applicant is content that all other streets listed in the Schedule need to remain. The second amendment was made to correct an error in the description of the location of the footpath as noted by the ExA.	29 September 2023
Schedules 3 (Streets subject to street works), Schedule 6 (public rights of way) and Schedule 7 (Access to works)	Schedules 3, 6 and 7 have been amended to change reference to ' Footpath 130/8' to ' bridleway 130/8'.	Amendment made to correct an error as noted by the ExA. The way is a bridleway as confirmed by the definitive map. The relevant sheet of the Rights of Way Plans (Sheet 8 - Document 4.6.8) has also been updated to reflect this error.	29 September 2023

Section/Article No. and title	Change	Reason	Date of Draft
Schedule 14 (Parameters) – Part 2	An empty row has been removed from Part 2 – Storm Tanks	Amendment made to remove the row as it was not needed.	29 September 2023
Schedule 15 (Protective Provisions) – Part 1	An amendment has been made to delete “and Cadent Gas Limited which is protected by Part 2 of this Schedule” (leaving “and Cadent Gas Limited which is protected by Part 3 of this Schedule”).	Amendment made to correct drafting error as the DCO incorrectly referred to Cadent Gas Limited twice as noted by the ExA.	29 September 2023
Schedule 15 (Protective Provisions) – Part 8	Amendment made to change ‘for the protection for operators of electronic communications code networks’ to ‘for the protection of operators of electronic communications code networks’	Amendment made to improve drafting.	29 September 2023
Schedule 15 (Protective Provisions) – Part 9	Part 9 has been redrafted in part with the addition of definitions and new paragraphs.	Amendments made to reflect the drafting which has been agreed with Cambridge Water.	29 September 2023
Schedule 17 (Miscellaneous Controls)	Paragraph 6 (Town and Country Planning Act 1990) has been amended to remove reference to [8] at the end of sub-paragraph 6(1)	Amendment made to correct an error, as noted by the ExA in its Procedural Decision.	29 September 2023
Schedule 18 (Certification of Plans and Documents)	The following documents have been added to Schedule 18: <ul style="list-style-type: none"> - Framework archaeological investigation mitigation strategy; - Outline carbon management plan; - Outline operational water quality monitoring plan; 	Amendment made as these documents have now been prepared (with the exception of the outline operational water quality monitoring plan which is to follow), as requested by the ExA.	29 September 2023

Section/Article No. and title	Change	Reason	Date of Draft
	<ul style="list-style-type: none"> - Outline outfall management and monitoring plan; - Outline operational logistics traffic plan 		
	Schedule 18 – ‘design plans – waterbeach pipeline long sections’ sheet numbers have been realigned so that each sheet plan aligns with the relevant document reference.	Amendment made to correct formatting error.	29 September 2023
	Amendment made to include the main document reference number pertaining to each series of plans. This effects the land plans, the rights of way plans, the hedgerow regulations and tree preservation plans and the access and traffic regulation order plans	Amendment made for clarity and in order to address the comment from the ExA.	29 September 2023
	Amendments made to dates and revisions of documents.	The list of certified plans and documents has been updated to reflect the latest versions of the plans and documents.	29 September 2023

APPENDIX B

Schedule of changes to the version of the draft DCO (Document 2.1, Rev 03, AS-010) in the version submitted on 16 October 2023 (Rev 04)

Section/Article No. and title	Change	Reason	Date of Draft
Requirement 1, Part 1, Schedule 2	The reference in the definition of "enabling works" to paragraph 3.1.8 of chapter 2 of the environmental statement (Document 5.2.2) has been amended to paragraph 3.1.6	To correct a typographical error.	16 October 2023
Schedule 10	Land parcels 070a and 071a have been deleted from the sections of the table headed ' <i>Waterbeach Pipeline Rights</i> ' and ' <i>Waterbeach Pipeline Restrictive Covenant</i> ' relating to Work Nos. 33, 34, 35 and 36	To reflect the changes to the powers sought under the DCO for these land parcels, which were proposed to be subject to powers of permanent acquisition for new rights and restrictive covenants but are now proposed to be subject to temporary possession powers only, as per the change request dated 16 October 2023.	16 October 2023
Schedule 12	Land parcels 070a and 071a have been added to the table detailing land of which temporary possession may be taken in relation to Work No. 34	To reflect the changes to the powers sought under the DCO for these land parcels, which were proposed to be subject to powers of permanent acquisition for new rights and restrictive covenants but are now proposed to be subject to temporary possession powers only, as per the change request dated 16 October 2023.	16 October 2023
Schedule 17, paragraph 4(1)	The reference to section 1(9) of the Party Wall etc Act 1996 has been amended to section 1(2)	To correct a typographical error.	16 October 2023
Schedule 17, paragraph 4(2)	The parentheses have been deleted from the reference to "Sections 1(6) and (2)", i.e. "Sections 1(6) and {2}"	To correct a typographical error – the paragraph should refer to section 1(6) and section 2 of the Party Wall etc Act 1996, not to subsections 1(6) and 1(2)	16 October 2023
Schedule 18	Several documents have had the revision number and date updated.	The changes to the revision numbers and dates are to reflect the updates to the documents required as a result of the change request dated 16 October 2023.	16 October 2023

Section/Article No. and title	Change	Reason	Date of Draft
	In addition, the document number reference for the outline carbon management plan has been amended from 5.4.9.2 to 5.4.10.2	The change to the outline carbon management plan document reference is to correct a typographical error	

Get in touch

You can contact us by:



Emailing at info@cwwtpr.com



Calling our Freephone information line on **0808 196 1661**



Writing to us at **Freepost: CWWTPR**



Visiting our website at www.cwwtpr.com